

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC  
(PETRO),

Plaintiff,

v.

ISLAND PROJECT AND OPERATING  
SERVICES, LLC, VITOL US HOLDING II  
CO., VITOL VIRGIN ISLANDS CORP,  
ANDREW CANNING and OPTIS  
EUROPE, LTD.,

Defendants.

CASE NO. 1:21-CV-00312

**BREACH OF CONTRACT**

JURY TRIAL DEMANDED

**PLAINTIFF MOTION FOR SANCTIONS FOR FAILURE TO COMPLY WITH COURT  
ORDER**

**COMES NOW** Plaintiff, by and through undersigned counsel, and moves this Court to enter sanctions against Andrew Canning for failing to comply with the Court's order dated April 25, 2023. In support of this Motion, Plaintiff states as follows:

On March 31, 2023, Plaintiff filed a Motion to Compel Defendant Andrew Canning to supplement his response to Plaintiff's Interrogatory No. 18.

On March 25, 2023, this Court ordered Defendant Andrew Canning to supplement his response to Plaintiff's Interrogatory No. 18. This Court further ordered that Defendant Andrew Canning shall supplement his response to Interrogatory No. 18 on or before May 1, 2023. To date Defendant Andrew Canning has not supplemented his response to Interrogatory No. 18 as ordered by this Court.

The Court has set forth the sanctions available under Rule 37(c)(1) which include

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payment of reasonable expenses, including attorney's fees, and other appropriate sanctions. *Id.* The available sanctions also include:

(A) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence;

(C) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party; ...  
Fed.R.Civ.P. 37(b)(2).

*Id.* See also *Roman v. City of Reading*, 121 Fed. Appx. 955, 958 (3d Cir. 2005).

**WHEREFORE**, Plaintiff requests this Court order Defendant Andrew Canning to supplement its response to Plaintiff's Interrogatory No. 18, within five (5) days, and sanction Defendant by ordering Defendant Andrew Canning to pay to Plaintiff the sum of \$400.00, representing one (1) hour of an attorney's time for having to bring this motion. Plaintiff also requests this Court to caution Defendant that further failure to adhere to this Court's orders will result in further sanctions, including deeming Plaintiff's allegations as admitted and striking Defendant Andrew Canning's affirmative defenses.

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RESPECTFULLY SUBMITTED  
LEE J. ROHN AND ASSOCIATES, LLC  
Attorneys for Plaintiff

DATED: May 10, 2023

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**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that on May 10, 2023, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system, which will send a notification of such filing to the following:

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